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Thirtieth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999). It covers both the issue of missing Kuwaiti and third-country nationals and that of missing Kuwaiti property, including national archives.

2. In my twenty-ninth report (S/2010/300), submitted on 9 June 2010, I called on Iraq and Kuwait to continue to act in the spirit of the confidence- and cooperation-building process launched in April 2009 and supported by the members of the Security Council, and to apply this to the resolution of a larger set of outstanding issues between the two countries, which should contribute to the further strengthening of their good-neighbourly relations and the enhancement of regional stability.

II. Background

3. The Joint Council of the European Union and the Cooperation Council for the Arab States of the Gulf, at its twentieth session, held in Luxembourg on 14 June 2010, expressed its support for United Nations efforts aimed at the return of Kuwaiti prisoners and nationals of other countries or their remains, as well as Kuwaiti property, including the country's national archives.

4. The final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of States members of the Organization of the Islamic Conference, held in New York on 24 September 2010, condemned the massive violations of human rights and the killing of Iraqis, Kuwaitis and citizens of third countries by the former Iraqi regime in contravention of international law and international humanitarian law, and welcomed all measures taken by the Government of Iraq to prosecute the criminals.

III. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals or their remains

5. On 19 September 2010 in New York, I discussed the issue of Kuwaiti missing persons and property with the visiting Prime Minister of Kuwait, Sheikh Naser

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Al-Mohammad Al-Ahmad Al-Sabah. The Prime Minister expressed the hope that the United Nations would continue to encourage Iraq to settle the pending issues, which would further boost confidence between the two countries. I also met with the President of Iraq, Jalal Talabani, on 23 September 2010, and urged Iraq to fulfil all its obligations under existing Chapter VII resolutions of the Security Council, including with regard to missing Kuwaiti persons and property.

6. Throughout the reporting period, the High-level Coordinator, Ambassador Gennady Tarasov, focused on the task of building the momentum towards the implementation of the goals set out in paragraph 14 of resolution 1284 (1999). In his contacts with the parties concerned, he consistently stressed the need to speed up efforts in the search for missing Kuwaiti and third-country nationals, and to translate goodwill statements and commitments into concrete actions with a view to achieving tangible results on the ground. To that end, the Coordinator travelled twice to the region.

7. From 27 to 30 September 2010, the Coordinator visited Kuwait, where he had a meeting with the Under-Secretary of the Ministry for Foreign Affairs, Khaled Al-Jarallah. The latter underscored the interest of Kuwait in maintaining friendly, good-neighbourly relations with Iraq on the basis of respect for international legality and the fulfilment of Iraq's obligations under the relevant Security Council resolutions. He welcomed the role of the United Nations in facilitating that process.

8. The Coordinator also met with the Kuwaiti National Committee for Missing Persons and Prisoner of War Affairs, and with the Iraqi delegation to the sixty-sixth session of the Technical Subcommittee of the Tripartite Commission, held in Kuwait on 28 September 2010. He urged them to intensify the search for missing persons and to follow up on the Subcommittee's decision to send an exploratory mission to Nassiriyah, southern Iraq, led by the International Committee of the Red Cross, at the end of 2010. The mission would investigate sites where missing Kuwaitis may have been buried and, if successfully conducted, would facilitate further and broader joint exploration activities at gravesites within Iraq.

9. From 21 to 23 November 2010, Ambassador Tarasov travelled to Iraq. He was received by the Prime Minister, Nuri Kamel al-Maliki; the Minister for Foreign Affairs, Hoshyar Zebari; and the Minister for Human Rights, Wijdan Mikhail Salim.

10. Ambassador Tarasov shared with his interlocutors the assessment of the implementation of the mandate and presented a review of steps taken by the parties to that end. In anticipation of the establishment of a new Government in Iraq, he called for a fresh, reinvigorated effort on the part of the Iraqi authorities to fulfil their obligations under paragraph 14 of resolution 1284 (1999) with a view to achieving practical results as soon as possible. In particular, he noted that conducting the joint exploratory mission to Nassiriyah, in the agreed format and within the agreed time frame, was of particular importance, as it would help to enhance the "quality of effort" in search for missing Kuwaiti and third-country nationals within Iraq and to strengthen the patterns of cooperation among the members of the Subcommittee.

11. Prime Minister al-Maliki stated that Iraq was committed to the resolution of all outstanding issues with Kuwait and to the establishment of excellent relations between the two countries. On the issue of missing persons, he said that Iraq was ready to do whatever was required and to investigate any information that could

lead to the finding of their remains. He characterized that task not only as a political commitment, but also as a humanitarian and religious duty. The Prime Minister issued instructions for the conduct of the mission to Nassiriyah.

12. Foreign Minister Zebari stressed that improving relations with Kuwait would be one of the topmost priorities for the new Government. Baghdad wished to see the lifting of all relevant Chapter VII restrictions on Iraq and stood ready to implement its commitments. He noted that Iraq was willing to cooperate and to assist the Coordinator in attaining the objectives of his mandate.

13. The Minister for Human Rights reaffirmed the commitment to the search for missing Kuwaitis, citing, inter alia, excavations under way in Ramadi. She said that, despite the strain on the Ministry's resources that it would entail, the exploratory mission to Nassiriyah would be undertaken. The Minister expressed appreciation for the Kuwaiti grant of $974,000, extended earlier in 2010 to help to build Iraqi capacity in the excavation of mass graves and the identification of missing persons.

14. The memorandum of agreement between the United Nations Office for Project Services and the Iraqi Ministry for Human Rights on the use of the Kuwaiti grant was signed on 16 September 2010. As a result of the delay in receiving from Iraq the complete list of equipment to be bought under the grant, the Office estimated that the procurement process would not be finalized within the designated time frame. Accordingly, the Office requested the Government of Kuwait to extend the project until 31 March 2011.

15. Proceeding from Iraq to Kuwait, the Coordinator was received on 24 November 2010 by the Deputy Prime Minister and Minister for Foreign Affairs, Sheikh Mohammad Al-Sabah Al-Salem Al-Sabah, who stressed that Kuwait would like to see Iraq meet its obligations under relevant Security Council resolutions. He expressed the hope that the new Government in Iraq would move forward towards a speedy resolution of the outstanding issues with Kuwait, including the file of missing Kuwaitis and property, and thus pave the way for improved relations between the two countries. The Coordinator also met with the members of the National Committee for Missing Persons and Prisoner of War Affairs.

IV. Recent activities with regard to the return of Kuwaiti property

16. By a note verbale dated 26 November 2010 addressed to the Secretary-General, the Permanent Mission of Iraq to the United Nations transmitted a letter dated 26 November 2010 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General "regarding the missing Kuwaiti prisoners of war in Iraq", attached to which was a summary of the key measures taken by the Government of Iraq with respect to this matter in 2009 and 2010 (see annex).

17. I remain concerned that no progress has been made in finding the Kuwaiti national archives and that no credible information about their fate or whereabouts has emerged.

18. Iraqi officials informed the Coordinator that an announcement in the official newspaper *Al-Sabah* calling on anyone who possessed Kuwaiti documents or property seized by the former regime to contact the Ministry for Foreign Affairs had

elicited a response from the Iraqi Ministry for Industry and Mines, which claimed that it had in its possession some equipment belonging to Kuwait.

19. In all his contacts, the Coordinator continued to emphasize the need for sustained and concerted action to clarify the fate of the Kuwaiti archives, to which Kuwait attached great importance. During a meeting held on 23 November 2010, the Prime Minister of Iraq expressed support for the Coordinator's suggestion that an inter-ministerial committee be established to lead and coordinate efforts with regard to the Kuwaiti archives and other missing property.

V. Observations

20. I look forward to the earliest possible resolution of all the outstanding issues between Iraq and Kuwait which have persisted for nearly 20 years. I welcome the assurances given to me personally and to my High-level Coordinator by the President and the Prime Minister of Iraq, as well as by other senior Iraqi officials, of their commitment to the early and full implementation of all Iraqi obligations towards Kuwait under the relevant Chapter VII Security Council resolutions. Positive actions on the part of Iraq should in turn enable the Council to address the report that I submitted on 27 July 2009 in pursuance of paragraph 5 of resolution 1859 (2008) (S/2009/385). I hope that the formation of a new Government in Iraq will present an opportunity to take the cooperation between Iraq and Kuwait to a new level in that regard.

21. I call on Iraq to continue to work with Kuwait in the spirit of the confidence- and cooperation-building process, and to translate statements of goodwill into tangible outcomes leading to visible and significant progress in the implementation of the present mandate. In that regard, I look forward to the pursuit of practical steps in the search for missing Kuwaiti and third-country nationals and property. The planned exploratory mission by the Technical Subcommittee to Nasseriyah will be one such practical step, which should be followed by broader results-oriented measures.

22. The commitment of the members of the Tripartite Commission and its Technical Subcommittee to ascertaining the fate of missing Kuwaiti and third-country nationals is commendable. I am grateful to the International Committee of the Red Cross for its consistent efforts in that regard.

23. The Government of Iraq should set up an official body as soon as possible to lead and coordinate efforts to clarify the fate of the Kuwaiti archives and other missing property. This could prove to be another concrete step, which will demonstrate the determination of Iraq to build confidence and trust with Kuwait.

24. I recommend that the Security Council extend the financing of the Coordinator's mandate until June 2011 in order to build on the current momentum towards the implementation of paragraph 14 of resolution 1284 (1999).

Annex

Note verbale dated 26 November 2010 from the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Iraq to the United Nations presents its compliments to the Office of the Secretary-General of the United Nations and has the honour to enclose herewith, from His Excellency Mr. Hoshyar Zebari, Minister for Foreign Affairs of the Republic of Iraq, a letter dated 26 November 2010 regarding the missing Kuwaiti prisoners of war in Iraq (see enclosure).

Enclosure

Letter dated 26 November 2010 from the Minister for Foreign Affairs of the Republic of Iraq addressed to the Secretary-General

[Original: Arabic]

I am pleased to refer to our meeting with Mr. Gennady Tarasov, High-level Coordinator for missing Kuwaiti and third-country nationals and the repatriation of Kuwaiti property, at the Iraqi Ministry for Foreign Affairs on 22 November 2010. We should like to transmit to you a summary of the key measures taken by the Government of Iraq with respect to this matter during 2009 and 2010 (see attachment).

In this context, I am also pleased to affirm to you that since the fall of the previous regime, coordination and cooperation have been ongoing with fraternal Kuwait on matters of mutual interest, in particular the investigation into the fate of missing persons. We have taken a series of measures designed to strengthen the prospects of finding them. Inter alia, names and photographs of missing persons whose remains have yet to be found were circulated in the media, and citizens were asked to report to the competent Iraqi authorities any information related to this subject. As a result of this cooperation, graves suspected of containing the remains of Kuwaiti nationals were uncovered. The International Committee of the Red Cross was notified accordingly, and Kuwaiti technical teams were invited to the sites concerned and to transfer the remains to Kuwait in order to ascertain their identity. It was as a result of this bilateral cooperation that the whereabouts of 236 of the 605 missing Kuwaiti and third-country nationals were successfully uncovered, an outcome that would not have been achieved without the full cooperation of Iraq. The summary attached to this letter clarifies an important aspect of those measures.

In the interests of further joint cooperation and of accelerating the completion of the requirements for closing this file and ending the suffering of the families of the missing victims, we consider the presence of a permanent Kuwaiti technical team in Iraq, through the Kuwait Embassy in Baghdad, to be a mechanism that will facilitate and expedite measures aimed at finding the remains of missing Kuwaiti nationals. This team will have the full backing of the Government of Iraq and will serve as a mechanism for assisting and supporting the mandate of the High-level Coordinator.

We reaffirm the readiness of the Government of Iraq to cooperate fully with the United Nations and other international authorities interested in this matter with a view to the adoption of measures to ensure the closure of this humanitarian file, bearing in mind that bilateral cooperation between the two fraternal countries and peoples of Iraq and Kuwait is the optimum means of attaining that objective.

I should be grateful if this letter and its attachment were appended to your next report to the Security Council pursuant to paragraph 14 of Security Council resolution 1284 (1999).

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs of the Republic of Iraq

Attachment

Summary of measures taken by the Iraqi side in connection with the search for missing Kuwaiti and third-country nationals during 2009 and 2010

The competent Iraqi authorities published photographs of missing Kuwaiti nationals in the official news paper *Al-Sabah* on 16 August 2009 as one of the measures aimed at tracing the missing persons.

Specialist teams were established to inspect and carry out initial digging at presumed burial sites in a number of Iraqi governorates on the basis of a total of 50 coordinates relayed to the Iraqi side by the Kuwaiti side through the International Committee of the Red Cross (ICRC), as detailed below:

1. The Najaf site (no coordinates) from 21 to 23 April 2009 (note 8007, dated 29 April 2009, from the Iraqi side to the ICRC mission);

2. The Baghdad site in the Mada'in area (Salman Bak) (2 coordinates) from 6 to 7 July 2009 (note 13630, dated 23 July 2009, from the Iraqi side to the ICRC mission);

3. The Karbala' site (27 coordinates) from 26 September to 9 October 2009 (note 19473, dated 27 October 2009, from the Iraqi side to the ICRC mission);

4. The Ramadi site (4 coordinates) from 1 to 8 November 2009 (note 20714, dated 17 November 2009, from the Iraqi side to the ICRC mission);

5. The Nasiriyah site (15 coordinates) from 16 to 25 November 2009 (note 21772, dated 8 December 2009, from the Iraqi side to the ICRC mission);

6. The Samawah site (2 coordinates) from 2 to 8 January 2010 (note 611, dated 14 January 2010, from the Iraqi side to the ICRC mission).

Comment: no traces indicating the presence of human remains were found at these sites.

A ministerial committee chaired by the Ministry of Human Rights, with the Ministries of Defence, the Interior and National Security as members, was established to follow up on and analyse all information received on missing Kuwaiti nationals. To date, the committee has held nine meetings and accomplished the following:

1. A visit was made to Kadhimiyah prison in order to meet with a number of former security officers being held there. They had no information that could be used to determine the whereabouts of missing Kuwaiti nationals. The ICRC mission was informed of the visit when one of its representatives participated in the committee's most recent meeting, held on 18 November 2010;

2. The archives of the section dealing with captives and missing persons from the second Gulf war were examined, and the ICRC mission was provided with the findings of the examination pursuant to note 14855 from the Iraqi side, dated 23 September 2010;

3. Testimony was heard from Lieutenant-General Rashid Falih concerning information in his possession on burial sites presumed to contain the remains of missing Kuwaiti nationals in Nasiriyah governorate, the aim being to make use of that information in the initial inspection of those sites;

4. Work was carried out at the Ramadi-Saqlawiyah-Sahl Ukkaz site, as follows:

(a) A task force visited the site, from which nine samples of remains were exhumed and sent to Kuwait through ICRC, pursuant to note 250 from the Iraqi side, dated 11 March 2010. They were not shown by DNA testing to belong to missing Kuwaiti nationals;

(b) On 29 October 2010, a task force visited the site, from which 104 remains had been exhumed as at 15 November 2010. Work at the site is still ongoing;

5. From 6 to 12 November 2010, the Ministry of Human Rights dispatched one of its own teams to Nasiriyah governorate in order to confirm 13 coordinates at the Tall Lahm and Khamisiyah sites, where the Iraqi side had not previously worked. Following completion of the initial inspection activities, it emerged that there were three coordinates at which no earlier digging had taken place: two in Khamisiyah and one in Tall Lahm. As for the other coordinates, Kuwaiti task forces had already carried out digging there in 2003, 2004 and 2005. Those sites have been designated in preparation for the conduct of joint activities at a later date;

6. The Qurnah burial site: on the strength of information received by the Iraqi side concerning the existence of a burial site in Basrah governorate (Dayr, south of the Qurnah area) containing remains presumed to be those of a Kuwaiti national, the competent Iraqi authorities identified and marked the site, on the basis of its coordinates, on 11 November 2010. The site will be dug later in order to verify the accuracy of the information.